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MT LEGISLATIVE HISTORY

Chapter 175 1989

Bill H _____ (S) 237 Original bill & hist. ___C

H. Committee on Business & Labor		S. Committee on Business & Industry	
Hearing Date(s) March	✓C	Hearing Date(s) Feb 12	✓C
_____	___C	Feb 16	✓C
_____	___C	_____	___C
_____	___C	_____	___C
Date Out March	✓C	Feb 16	✓C

Did this bill originate in an interim committee? ___Yes ___No

Committee _____ Report _____

CHAIRMAN--SEN. ALLEN C. KOLSTAD
NORMAL SCHEDULE==> SITE: ROOM 410 DAYS: MON THRU FRI TIME: 10:00 A.M.
SECRETARY-CAROLYN LINDEN

BILL NO	REFER DATE	HEARING DATE	CONSIDERATION DATES	COMMITTEE ACTION	REREFERRED TO COMM	DATE OUT
SB0210 KEATING, THOMAS F.	1/26	2/12	2/12/87; 2/16/87 DEFINING PROFESSIONAL COUNSELORS AS HEALTH CARE PROVIDERS	PASS AS AMENDED 2/16/87	BUSINESS & LABOR	2/16/87
SB0210 KEATING, THOMAS F.	2/18	2/19/87	2/19/87 DEFINING PROFESSIONAL COUNSELORS AS HEALTH CARE PROVIDERS	PASS AS AMENDED 2/19/87		2/19/87
SB0213 MAZUREK, JOSEPH P.	1/24	2/12	2/12/87 REGULATING THE OFFERING AND SALE OF TIMESHARES	PASS AS AMENDED		2/12/87
SB0218 MEYER, DARRYL	1/24	2/04	2/4/87; 2/6/87 REGULATE TRANSFERS OF MEDICARE SUPPLEMENT INSURANCE POLICIES	DO PASS		2/6/87
SB0222 FARRELL, WILLIAM E.	1/26	2/13	2/13/87; 2/20/87; 2/17/87 ESTABLISH MOTOR CARRIER TRAFFIC BUREAU WITHIN DEPT OF COMMERCE	PASS AS AMENDED		2/20/87
SB0237 BOYLAN, PAUL F.	1/28	2/12	2/12/87; 2/16/87 EXCLUDE RADIO AND TELEVISION ADVERTISING SALESMEN FROM OVERTIME COMPENSATION	DO PASS		2/16/87
SB0239 HIRSCH, LES J.	1/28	2/05	2/5/87; 2/6/87 MOTOR FUEL SUPPLIER MAY OPERATE RETAIL OUTLET IN ONLY LIMITED CIRCUMSTANCES	ADVERSE REPORT		2/6/87
SB0244 YELLOWTAIL JR, WILLIAM P.	1/29		PROHIBIT INVESTMENT OF PUBLIC FUNDS IN FIRMS DOING BUSINESS IN SOUTH AFRICA		STATE ADMIN.	
SB0245 KOLSTAD, ALLEN C.	1/29	2/05	2/5/87; 2/6/87 COMPUTATION OF FINANCE CHARGE ON RETAIL CHARGE ACCOUNT AGREEMENT	PASS AS AMENDED		2/6/87
SB0247 MEYER, DARRYL	1/29	2/11	2/11/87 GENERALLY REVISE SECURITY LAWS	PASS AS AMENDED		2/11/87
SB0250 MCLANE, HARRY H. (DOC)	1/29	2/11	2/11/87 VOLUNTARY DISSOLUTION OF DOMESTIC INSURERS	DO PASS		2/11/87

and did not understand the insurance companies objecting to a miniscule addition to premiums for a few licensed professional counselors when some less expensive counseling by these people can actually evoke a savings in physical health and mental health that would be covered under their insurance policy. He said it has been statistically proven that people with mental health problems, or emotional problems, have more medical problems also, and medical problems are expensive; so, for a little bit of inexpensive mental health counseling they could negate a bunch of physical medical expense. He said we have already established that social workers and licensed professional counselors are the same, come under the same board, are licensed through the same process and are supposed to receive equality under the law but they are not and that is the issue - equality under the law.

The hearing was closed on Senate Bill 210.

CONSIDERATION OF SENATE BILL NO. 237: Sen. Paul Boylan, District 39, Bozeman, chief sponsor of SB 237, said the bill amends the minimum wage and overtime compensation laws to provide that radio and television station advertising salesmen are excluded from the overtime compensation requirements. The effect is that an employer would not have to pay these persons at the overtime rate of 1 1/2 times the hourly wage for hours worked over 40 per week. This exclusion applies to "a salesman paid on a commission or contract basis who is primarily engaged in selling advertising for a radio or television station employer."

PROPONENTS: Jerome Loendorf, representing the Montana Broadcasters' Association, said the bill is a simple bill and he did not believe there were any opponents to it. He pointed out the other people that have been exempted from the law for overtime pay such as people who sell automobiles, trailers, boats, aircraft, etc. Federal law exempts from the Federal Fair Labor Standards Act all outside salesmen. These people work away from the employer's place of business so they are not under the supervision of anyone. They are almost in business for themselves as they are paid on a commission basis. Salesmen work at different hours than the rest of us; lunch, coffee, breakfast or after hours. He said there are good reasons to allow them that liberty and asked for a do pass recommendation from the committee.

Dan Schneider, Montana broadcaster and General Manager of KCAP in Helena, said the bill would not restrict their movements and tie their hands or hamper their abilities to make money - it would do the opposite. He said that any person that wishes to work long hours in the day and make more money deserves a pat on the back and encouragement as that would keep the innovation in the state of Montana and asked the

committee to exclude these people.

Chairman Kolstad relinquished the Chair to Vice Chairman Neuman.

OPPONENTS: There were none.

DISCUSSION OF SENATE BILL NO. 237: Chairman Neuman called for questions from the committee.

Sen. Walker asked what the need was for the bill? He understood a salesman is a salesman and thought they were all exempt. Mr. Loendorf said they were not exempt from State law, according to the Department of Labor.

Sen. Thayer said apparently the State of Montana is exempting these salesmen one at a time and asked Mr. Loendorf to address the exemption under federal law. He asked why we don't adopt the Federal law and be done with it. Mr. Loendorf said they felt confident that there would be no opposition to this bill.

Sen. Williams asked how the newspapers handle this. Mr. Loendorf said newspapers are not presently exempt but he said they were starting a bill in the House to deal with newspapers.

Sen. Walker asked Mr. Loendorf what sales people in our state are exempt to which Mr. Loendorf referred to the bill.

In closing, Sen. Boylan said the way the law is written now they can file a suit against the people for whom they work for the hours. He referred to a suit that had been filed and was successful under the present law.

Sen. Williams asked Sen. Walker if he knew of any problem that labor has with this type of bill. Sen. Walker replied that labor was not in attendance at the hearing because of five other committee hearings going on at the same time.

The next meeting of the Business and Industry Committee will be held on Friday, February 13, 1987. There being no further business before the committee, Chairman Neuman adjourned the hearing at 11:47 a.m.

Allen C. Kolstad

SEN. ALLEN C. KOLSTAD, CHAIRMAN

cl

ROLL CALL

Business & Industry COMMITTEE

50th LEGISLATIVE SESSION -- 1987

Date 2/12/87

NAME	PRESENT	ABSENT	EXCUSED
ALLEN C. KOLSTAD, CHAIRMAN	✓		
TED NEUMAN, VICE CHAIRMAN	✓		
PAUL BOYLAN	✓		
TOM HAGER	✓		
HARRY H. McLANE	✓		
DARRYL MEYER	✓		
GENE THAYER	✓		
MIKE WALKER	✓		
CECIL WEEDING	✓		
BOB WILLIAMS	✓		

Each day attach to minutes.

DATE Febr. 12, 1987

COMMITTEE ON Business & Industry Committee

VISITORS' REGISTER

NAME	REPRESENTING	BILL #	Check One: Support	Oppc
BOB HELDING	MT. ASSOC. OF REALTORS	SB 213	X	
Joan Rehbein	Mont Ment Health Couns	SB 210	X	
Kelly McCarthy	" " " "	" "	X	
Jodi Shaw	MT Association Child Care Assoc	210	X	
J Dan Sawyer	Montana Bankers Assn	237	X	
Robert C Marvin	Montana Bankers Assn	237	X	
John Mudsker	Montana Bankers	237	X	
Dean Williams	MT. Bankers Assn	237	X	
Cay Wilmarth	Mental Health Assn	210		X
Pat Cadwell Harper	Mt Psychological Assoc	210		X
Steve Waldron	MT. Council Mental Health Ctrs	210		X
Don Brander	MT. Bankers Assn	237	X	
[illegible]	MT Bankers Assn	237	X	
[illegible]	[illegible]	210		
ANNIE BARTOS	Montana Medical Assn	210		✓
Steve Brown	Blue Cross - Blue Sh.	210		X
Jack Noyes	Health Insurance Assoc	210		X
SARAH HEROLD	Counselors	210	X	
Lona Mitchell	Dept of Commerce/Bd of Realty Reg	213	X	
Jay Bodine	Board of Realty Reg	213	X	
L. Clark Peterson	Mental Health - Psy T			X
David J McKMAN	MT Public Hlth Assn	213	X	
Mark Murray	Clinical Dependency Tech	292		
Corine Peterson	Mont Bankers Assn	237	X	
[illegible]	SRS - NURSE			
[illegible]	M.B.A.	237	✓	

(Please leave prepared statement with Secretary)

DATE Febr. 12, 1987

COMMITTEE ON Business & Industry

VISITORS' REGISTER

NAME	REPRESENTING	BILL #	Check One	
			Support	Oppose
Les Tanberg	MT Mental Counselors Assoc	210	X	
Bob Howard	Mental Health Counselors	239	X	
Ted J. Doney	Mont. Mental Health Counselors Assn	210	X	
Jack McCormick	MT. Assoc. for Retarded	210	X	
[illegible]	[illegible]	210	X	
[illegible]	MT Press Assoc.	237	X	
Robert Hove	MT Broadcasters Assn	237	X	

(Please leave prepared statement with Secretary)

In closing, it was pointed out that this bill would require the transient merchants to adhere to what the established merchants are now doing. It also allows the state to know how much revenue is leaving the state.

DISPOSITION OF SENATE BILL NO. 318: Sen. Williams MOVED SB 318 DO PASS, seconded by Sen. Meyer. The MOTION CARRIED with Sens. Neuman and Thayer voting "no".

DISPOSITION OF SENATE BILL NO. 99: Mary McCue said the amendments would limit the effect exclusively to the sapphire and would clarify what kinds of treatment might be used to enhance sapphires that were not genuine Montana sapphires. Sen. Williams MOVED ADOPTION OF THE AMENDMENTS, seconded by Sen. Meyer. The MOTION CARRIED UNANIMOUSLY.

Sen. Boylan MOVED SB 99 DO PASS, AS AMENDED, seconded by Sen. Williams. Sen. Neuman expressed his opposition because of a loophole and also because there is some federal regulation concerning this. The MOTION CARRIED with Sens. Neuman, Weeding, Walker and Hager voting "no". (EXHIBIT 1 attached)

DISPOSITION OF SENATE BILL NO. 210: Ms. McCue indicated some statute numbers needed to be changed. Sen. Boylan MOVED ADOPTION OF THE AMENDMENTS, seconded by Sen. Weeding. The MOTION CARRIED.

Sen. Boylan MOVED SB 210 DO PASS AS AMENDED, seconded by Sen. Weeding. Ted Doney, a proponent, said there are 46 licensed counselors now and he asked Joan Rebisch to respond. Ms. Rebisch replied that it took a long while because of the wording and these people were not eligible until that problem could be solved. There are no high school counselors, who are only high school counselors, that would be eligible for this licensure.

Sen. Thayer asked Ms. Rebisch what would happen to the other persons who are not licensed. She responded that the mental health organization asked that diagnosis and treatment of mental illness be specifically inserted into the course work, which will be done by MSU and UofM.

Sen. Hager asked if there would be any group that would be grandfathered from the license. Ms. Rebisch replied there would not and also stated that the required education for this is a master's degree.

The question being called, the MOTION PASSED with Sen. Neuman voting "no".

DISPOSITION OF SENATE BILL NO. 237: Sen. Thayer MOVED SB 237 DO PASS, seconded by Sen. Meyer. The MOTION CARRIED with Sen. Walker voting "no".

ROLL CALL

Business & Industry COMMITTEE

50th LEGISLATIVE SESSION -- 1987 Date 2/16/87

NAME	PRESENT	ABSENT	EXCUSED
ALLEN C. KOLSTAD, CHAIRMAN	✓		
TED NEUMAN, VICE CHAIRMAN	✓		
PAUL BOYLAN	✓		
TOM HAGER	✓		
HARRY H. McLANE	✓		
DARRYL MEYER	✓		
GENE THAYER	✓		
MIKE WALKER	✓		
CECIL WEEDING	✓		
BOB WILLIAMS	✓		

Each day attach to minutes.

STANDING COMMITTEE REPORT

FEBRUARY 16, 19 87

MR. PRESIDENT

We, your committee on BUSINESS AND INDUSTRY

having had under consideration SENATE BILL No. 237

FIRST reading copy (WHITE color)

EXCLUDE RADIO AND TELEVISION ADVERTISING SALESMEN FROM OVERTIME COMPENSATION

Respectfully report as follows: That SENATE BILL No. 237

DO PASS

~~DO NOT PASS~~

SENATOR NOLSTAD, Chairman.

ROLL CALL

Livestock Industry COMMITTEE

50th LEGISLATIVE SESSION -- 1987 Date 2/17/

NAME	PRESENT	ABSENT	EXCUSED
ALLEN C. KOLSTAD, CHAIRMAN	✓		
TED NEUMAN, VICE CHAIRMAN	✓		
PAUL BOYLAN	✓		
TOM HAGER	✓		
HARRY H. McLANE	✓		
DARRYL MEYER	✓		
GENE THAYER	✓		
MIKE WALKER	✓		
CECIL WEEDING	✓		
BOB WILLIAMS	✓		

Each day attach to minutes.

rm CS-32
v. 1985

STATUS SHEET

50th LEGISLATIVE SESSION

BUSINESS AND LABOR COMMITTEE

SENATE BILL NUMBER	ENTERED COM. DATE	DATE CONSIDERED	OUT OF COM.	DO PASS DATE	DO NOT PASS DATE	DO PASS AS AMENDED DATE	DO NOT PASS AS AMENDED DATE	BE CONCURRED IN DATE	BE NOT CONCURRED IN DATE	BE CONCURRED IN AMENDED DATE	BE NOT CONCURRED IN AS AMENDED DATE
213	2/23/87	3/11/87	3/17/87							3/17/87	
218	2/18/87	3/6/87	3/6/87					3/06/87			
222	3/3/87	3/17/87	3/17/87					3/17/87			
237	2/23/87	3/11/87	3/11/87					3/11/87			
242	2/18/87	3/5/87	3/5/87					3/5/87			
245	2/18/87	3/5/87	3/5/87							3/5/87	
247	2/23/87	3/12/87	3/12/87							3/12/87	
250	2/23/87	3/12/87	3/20/87					3/20/87			
263	2/23/87	3/12/87	3/12/87							3/12/87	
280	2/24/87	3/13/87	tabled 3/13/87								
291	3/3/87	3/17/87	tabled 3/26/87								
294	2/24/87	3/12/87	3/12/87					3/12/87			
295	2/24/87	3/12/87	3/19/87							3/19/87	
298	2/24/87	3/6/87	3/20/87							3/20/87	

se a separate sheet for Senate Bills, House Bills, and Resolutions.

Senator Manning stated this bill would allow holders of special permits or catering endorsements to sell beer in the grandstand and bleacher area of a county fairground or public sports arena. He stated at the present time you can buy beer and take it into the grandstand area, and this legislation would allow the vendors to bring the beer to the customers.

PROPONENTS

Lonne Chatwood, representing MetraPark submitted written testimony. Exhibit No. 2.

OPPONENTS

None.

QUESTIONS

Rep. Thomas asked Senator Manning if the fair could prohibit the sale of beer if this allows them to sell it. Senator Manning responded they wouldn't have a catering license if the fair wouldn't allow them to have one.

Rep. Brandewie asked if fairs were considered as family entertainment, why does selling alcohol have to be introduced into this situation. Mr. Chatwood responded that it is available now, and the vending in the stands would make a difference.

CLOSING

Sen. Manning read a letter from Bill Chiesa, Billings, stating the purpose of the legislation was to generate more revenue which would result in less tax support for local fairs in the state.

Rep. Glaser will sponsor the legislation in the house.

EXECUTIVE ACTION

ACTION ON SENATE BILL NO. 364

Rep. Brandewie moved that Senate Bill No. 364 BE CONCURRED IN. The motion carried with Rep. Hansen, Rep. Wallin, and Rep. Brown opposed.

SENATE BILL 237 - Exclude Radio and Television Advertising Salesmen From Overtime Compensation, sponsored by Rep. Paul Boylan, Senate District No. 39, Bozeman. Senator Boylan stated this bill would exclude radio and television station advertising salesmen from the overtime compensation provisions of the state wage laws.

PROPONENTS

Jerry Loendorf, representing Montana Broadcasters Association. Mr. Loendorf stated that wage regulation laws have excluded outside salesmen from their scope. He said the salesman works away from his employer's place of business and does not work under direct supervision, and to a large extent is in business for himself, and in that respect he arranges his own contacts, and is paid on a commission basis. He commented that a salesman can sell at any time, and it would be difficult to limit working hours.

Bob Foster, KCAP/KZMT Radio, Helena. Mr. Foster stated he would be inhibited to work without this bill. He said he enjoys the flexibility and the freedom to set his time, and the markets could not afford to pay overtime for the amount of hours they work.

OPPONENTS

None.

QUESTIONS

None.

CLOSING

Senator Boylan made no further comments.

EXECUTIVE ACTION

ACTION ON SENATE BILL NO. 237

Rep. Brandewie moved that Senate Bill No. 237 BE CONCURRED IN.

Rep. Simon moved to amend the bill to include all media salesmen, change the title to "advertising media" and include a coordination clause. The motion failed with a tie vote.

Rep. Brandewie moved SB 237 BE CONCURRED IN. The motion carried with Rep. Driscoll and Rep. Nisbet opposed.

SENATE BILL 103 - Clarifies Method for Payment of the Standard Prevailing Rate of Wages, sponsored by Senator Tom Hager, Senate District No. 48, Billings. Senator Hager stated this bill would revise the method of payment of the standard prevailing rate of wages when an employer is not a party to a collective bargaining agreement, and eliminates the requirement to pay fringe benefits as wages. He stated

DAILY ROLL CALL

BUSINESS & LABOR COMMITTEE

50th LEGISLATIVE SESSION -- 1987

Date MARCH 11, 1987

NAME	PRESENT	ABSENT	EXCUSED
REP. LES KITSELMAN, CHAIRMAN	✓		
REP. FRED THOMAS, VICE-CHAIRMAN	✓		
REP. BOB BACHINI	✓		
REP. RAY BRANDEWIE	✓		
REP. JAN BROWN	✓		
REP. BEN COHEN	✓		
REP. JERRY DRISCOLL	✓		
REP. WILLIAM GLASER	✓		
REP. LARRY GRINDE	✓		
REP. STELLA JEAN HANSEN	✓		
REP. TOM JONES	✓		
REP. LLOYD MCCORMICK	✓		
REP. GERALD NISBET	✓		
REP. BOB PAVLOVICH	✓		
REP. BRUCE SIMON	✓		
REP. CLYDE SMITH	✓		
REP. CHARLES SWYSGOOD	✓		
REP. NORM WALLIN	✓		

CS-30

STANDING COMMITTEE REPORT

MARCH 11 19 87

Mr. Speaker: We, the committee on BUSINESS AND LABOR

report SENATE BILL NO. 237

☐ do pass
☐ do not pass
☒ be concurred in
☐ be not concurred in
☐ as amended
☐ statement of intent attached

REP. LES KITSELMAN Chairman

Rep. Ray Brandewie to sponsor

RLS

THIRD reading copy (BLUE color)

VISITORS' REGISTER

BUSINESS AND LABOR COMMITTEE

BILL NO. SB 237 DATE March 11, 1987

SPONSOR Senator Boylan

NAME (please print)	REPRESENTING	SUPPORT	OPPOSE
[illegible]	[illegible]	[illegible]	
Bruce Hans	Mt Hardrock Assn	✓	
Dean Williams	MT Broadcasters Assn	—	
Bob Austin	Mt Broadcasters Assoc.	✓	
Jack Mantle	MPA — KMTN	✓	
Dan Bucklew	MBA — KLCM	✓	

IF YOU CARE TO WRITE COMMENTS, ASK SECRETARY FOR WITNESS STATEMENT FORM.

PLEASE LEAVE PREPARED STATEMENT WITH SECRETARY.

CS-33